THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.22462 OF 2006

DATED: 01.11.2006

BETWEEN:

Jamat-e-Ahle Hadees,
Guntur … petitioner

And

The Commissioner,
Municipal Corporation of Guntur,
Guntur.

… Respondent.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.22462 OF 2006

ORDER:

The matter is coming up for admission. Heard Sri Ravi Shankar, the counsel representing the petitioner and Sri Venkataratnam, the learned Standing Counsel representing the respondent.

The writ petition is filed for a writ of mandamus declaring the action of the respondent – Municipal Corporation of Guntur in not processing the petitioner's application dated 5.11.2005 for grant of permission to construct a mosque on the site at Gandhinagar, R.T.C. Colony, Guntur as illegal, arbitrary and violative of fundamental rights guaranteed under Articles 14, 19, and 300-A of the Constitution of India and consequently direct the respondent – Corporation to process the application dated 5.11.2005 for grant of permission to construct a mosque as per law without insisting on No Objection Certificate from the revenue authorities and to pass such other order.

Several factual details are narrated in paras-2 to 6 of the affidavit filed in support of the writ petition. This Court, in fact, repeatedly held that while processing the application for granting permission for construction, the concerned Municipal Corporations cannot insist upon No Objection Certificate from the Revenue

authorities.

In view of the same, this Court is of the considered opinion that the writ petition be disposed of directing the respondent to process the application of the petitioner dated 5.11.2005 for grant of permission to construct a mosque on the site at Gandhinagar, R.T.C. Colony, Guntur without insisting No Objection Certificate from Revenue Authorities, in accordance with law, as expeditiously as possible, at an early date.

The writ petition is accordingly allowed to the extent indicated above. No order as to costs.

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01.11.2006.

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